

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

FIDEL TRONCOSO, # 1145399 §  
§  
v. § CIVIL ACTION NO. G-06-063  
§  
NATHANIEL QUARTERMAN, §  
DIRECTOR, TDCJ-CID §

**ORDER**

Before the Court is the Report and Recommendation of the Magistrate Judge that was entered on January 18, 2007, recommending that, since Petitioner had failed to comply with the conditions that this Court imposed in its October 26, 2006, Order, any stay be lifted and Petitioner's federal writ petition be dismissed unless he could submit documentation by February 2, 2007, which confirmed that he had, in fact, complied with those conditions. Although being given ample time to do so and also properly cautioned of the consequence of his failure, Petitioner has filed no response whatsoever.

Having given this matter *de novo* review under 28 U.S.C. § 636(b)(1)(C), this Court finds that the Report and Recommendation is correct and it is, therefore, **ACCEPTED** by this Court in its entirety and incorporated by reference herein.

Accordingly, it is **ORDERED** that the Stay granted by this Court on October 26, 2006, is **LIFTED** and the Petition for a Writ of Habeas Corpus of Fidel Troncosco (Instrument No. 1) is **DISMISSED** for failure to exhaust state court remedies.

**DONE** at Galveston, Texas this 14<sup>th</sup> day of February, 2007.



Samuel B. Kent  
United States District Judge